

Texas Representative Roberto R. Alonzo's

Capitol Report



Review of 9 Constitutional Amendments to be Profiled from September - November 2013 in a 6-Part Series; This Week Profiles Amend #7 & 8 [Last Week Was #6]

Election is Tues, Nov. 5, 2013

As we told you last week, during the months of September through October, this *Capitol Report* will carry a 6-part series highlighting the **9 amendments** that will appear in the Nov 5 Constitutional Amendments Ballot. Last week we profiled Amendment #6; **this week profiles Amendments 7 and 8.**

We hope this report will allow our readers an opportunity to examine each of them closely and thoroughly prior to the November elections. The final part of the series will also include sample ballot of all the amendments that can be used as a checklist to help constituents stay well-informed about all the issues that will appear on that ballot.

In addition to the highlights provided in this *Capitol Report*, readers are also encouraged to visit the Texas Legislative Council's (TLC) website, and review the document entitled, *Analyses of Proposed Constitutional Amendments, November 5, 2013*, which contains information for each proposed amendment that will appear on the November 5, 2013 ballot, including the ballot language, an analysis, and the text of the joint resolution proposing the amendment. The analysis also includes background information and a summary of comments made about each proposed constitutional amendment by supporters and by opponents. That document can be found by visiting the following website: http://www.tlc.state.tx.us/const_amends.htm.

Amendment No. 7 (HJR 87)

Authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

Summary of Proposed Amendment:

If the term of office for a member of the governing body of a municipality is more than two years and not more than four years, current Section 11(b), Article XI, Texas Constitution, prohibits the appointment of a person to fill a vacancy on the governing body and requires the vacancy to be filled by a majority vote of the qualified voters of the municipality at a special election called for that purpose within 120 days after the date the vacancy occurs, regardless of the number of months remaining in the member's vacated term. H.J.R. 87 creates an exception to current Section 11(b) that authorizes a home-rule municipality to provide by its charter or a charter amendment the procedure to fill a vacancy on the governing body for which the unexpired term is 12 months or less.

Comments by Supporters:

Current constitutional provisions unduly burden a home-rule municipality that needs to fill a short-term vacancy on its governing body by requiring the municipality to conduct both a special election to fill the vacancy for the remainder of an unexpired term and a general election for a new term within a relatively short period. Such repetitive elections significantly increase costs to the municipality, candidates, and taxpayers and expend time that would be better spent directly serving the community. The proposed amendment would allow a home-rule municipality to specify in its charter the procedure for filling a short-term vacancy on its governing body, including by appointment, while still requiring an election to fill a vacancy for an unexpired term of more than 12 months. Because any amendment to a municipal charter authorizing such an alternative to a special election would require approval of the municipality's voters, such a change would preserve democratic accountability.

Comments by Opponents:

No comments opposing the proposed amendment were made during the house and senate committee hearings or during debate on the amendment in the house and senate chambers. However, it has been observed that elections are critical in ensuring that governments are accountable to the citizens and that allowing municipal officials to make appointments to fill vacancies in municipal offices could make the government more vulnerable to corruption.

Amendment No. 8 (HJR 147 and SJR 54)

Repealing Section 7, Article IX, Texas Constitution, which relates to the creation of a hospital district in Hidalgo County.

Summary of Proposed Amendment:

H.J.R. 147 and S.J.R. 54 propose to repeal Section 7, Article IX, Texas Constitution, which permits the legislature to authorize the creation of a hospital district coextensive with Hidalgo County and limits the authorized property tax rate that the hospital district may impose to 10 cents per \$100 valuation on taxable property within the district. The repeal of this provision does not prevent Hidalgo County, or a defined area in Hidalgo County, from creating a hospital district under other constitutional or statutory authority applicable to the county or area in the county.

Comments by Supporters:

H.J.R. 147 and S.J.R. 54 would repeal a constitutional provision that has limited the feasibility of creating a hospital district in Hidalgo County by imposing a limitation on the property tax rate (10 cents per \$100 valuation) that a district created in that county may levy that is significantly lower than the limitation applicable to virtually all other hospital districts created throughout the state. Other county hospital districts authorized to levy a property tax at the rate of 75 cents per \$100 valuation generally operate with an average property tax rate between 20 and 40 cents per \$100 valuation. Repealing the provision is necessary because the current limitation on the property tax rate that a district created in Hidalgo County may levy, when applied to the county's relatively small tax base, does not provide adequate funding to create and support a functional hospital district. As a result, Hidalgo County is the largest county in Texas, and one of the largest counties in the nation, without a hospital district.

By removing this restriction, the proposed amendment would facilitate the creation of a hospital district for the provision of health-related services to the community, which includes a high percentage of uninsured residents, and improve the region's ability to attract federal funds for emergency health care for the poor. Adoption of the proposed amendment would improve access to affordable health care in Hidalgo County, put the county on par with the rest of the state, and maintain local control in the county by requiring county voter approval of the creation of the district and adoption of the applicable tax rate. A hospital district in Hidalgo County also would provide an ongoing source of revenue to help fund the creation and operation of a planned University of Texas medical school in the Rio Grande Valley. The creation of a hospital district in the county and any applicable property tax rate adopted by the district would be subject to the approval of voters in the county.

Comments by Opponents:

No comments opposing the proposed amendment were made during the house and senate committee hearings or during debate on the amendment in the house and senate chambers.

However, some concern has been expressed about the potential effect of the proposed amendment on the property tax rate in Hidalgo County. If the voters approve the repeal of the constitutional provision that limits the property tax rate that a Hidalgo County hospital district could levy, general law would allow Hidalgo County voters to approve a higher property tax rate for a district created in Hidalgo County.